

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

OCT 19 2005

JOHN P. LONGORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

DEBRA E. ROSE,) CASE NO. 3:02CV00006
Plaintiff)
v.) REPORT AND RECOMMENDATION
JO ANNE B. BARNHART) By: B. Waugh Crigler
Commissioner of Social Security,) U. S. Magistrate Judge
Defendant)

A stipulation of the parties regarding Plaintiff's Combined Petition for Award of Attorney Fee having been filed on October 11, 2005, it is hereby

R E C O M M E N D E D

that an Order enter awarding counsel for plaintiff, C. Cooper Geraty, the sum of Nine Thousand One Hundred Ninety-Nine and 05/100 Dollars (\$9,199.05) in counsel fees under the Social Security Act (Act), 206(b), 42 U.S.C. § 406(b). The Order should also direct that plaintiff's counsel, in turn, shall refund to the plaintiff the sum of \$2,337.50, representing the fee heretofore paid counsel under the EAJA.¹

The Clerk is directed to immediately transmit the record in this case to the presiding District Judge. Both sides are reminded that pursuant to Rule 72(b) they are entitled to

¹In this manner, counsel's § 406(b) fee is offset by the fee received under the EAJA.

note objections, if any they may have, to this Report and Recommendation within (10) days hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not specifically objected to within the period prescribed by law may become conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. § 636(b)(1)(C) as to factual recitations or findings as well as to the conclusions reached by the undersigned may be construed by any reviewing court as a waiver of such objection. The Clerk is directed to send a certified copy of this Report and Recommendation to all counsel of record.

ENTERED:


Judge

Oct 19, 2005
Date